



Docket No.: 04703/0203784-US0  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Naoyuki Yamamoto et al.

Application No.: 10/565,497

Confirmation No.: 7321

Filed: January 20, 2006

Art Unit: N/A

For: CASEIN HYDROLYZATE, PROCESS FOR  
PRODUCING THE SAME AND USE  
THEREOF

Examiner: Not Yet Assigned

**REQUEST TO WITHDRAW HOLDING OF NOTIFICATION OF ABANDONMENT**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Request to Withdraw Holding of Notice of Abandonment Pursuant to 37 C.F.R. § 1.181 is submitted in response to the Notification of Abandonment mailed August 30, 2006 advising that this application is abandoned due to Applicants' failure to timely file a response to the Missing Requirement Letter. Applicants respectfully submit that the Notice of Abandonment was sent in error, and therefore the application is not abandoned. This Request is accompanied by:

- 1) a copy of the Notification of Abandonment mailed, August 30, 2006 (TAB A);
- 2) a copy of the Notification of Missing Requirements mailed, February 16, 2006 (TAB B);
- 3) a timely Response to the Notification of Missing Requirements;
- 4) the required declaration and assignment for the above-identified application; and
- 5) a Request for 5 one-month extensions of time with the accompanying fee;

For the reasons set forth below, Applicants believe that the Notification of Abandonment is in error and should be withdrawn.

**FACTS**

This application was filed on January 20, 2006 as a U.S. National phase application of International Patent Application No. PCT/JP2004/010928 under 35 U.S.C. § 371. A Notification of Missing Requirements was mailed on February 16, 2006 requesting an inventor oath or declaration. According to the Notification, a timely response must be made within two (2) months from the date of the Notification (i.e., by April 16, 2006), and under the relevant rules, there are five (5) additional one month extensions of time available (i.e., to and including September 16, 2006), pursuant to 37 C.F.R. § 1.136(a)(1). *See* MPEP 1893.01(e).

Applicants submit that the enclosed response (which includes the declaration requested in the Notification of Missing Requirements and a petition for a five-month extension of time plus fee) can be timely made up to and including **September 16, 2006**, and thus the application has not been abandoned.

**CONCLUSION**

It is respectfully submitted that the Response to Notification of Missing Requirements has been timely filed with a five-month extension of time and the fee for such extension, and that the Notification of Abandonment issued August 30, 2006 should be withdrawn, accordingly. It is also submitted that as this request was necessitated by a Patent Office action and, pursuant to MPEP 711.03(c), no fee is due. However, should a fee be required, the Commissioner is authorized to charge Deposit Account No. 04-0100 for the deficiency.

Dated: September 12, 2006

Respectfully submitted,

By 

S. Peter Ludwig

Registration No.: 25,351

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Attorneys/Agents For Applicant

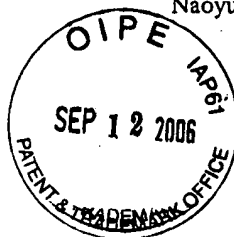


## UNITED STATES PATENT AND TRADEMARK OFFICE

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 United States Patent and Trademark Office  
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U.S. APPLICATION NUMBER NO. 10/565,497	FIRST NAMED APPLICANT Naoyuki Yamamoto	ATTY. DOCKET NO. 04703/0203784-US0
INTERNATIONAL APPLICATION NO. PCT/JP04/10928		
I.A. FILING DATE 07/30/2004	PRIORITY DATE 08/01/2003	

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CONFIRMATION NO. 7321

371  
 ABANDONMENT/TERMINATION  
 LETTER

\*OC000000020231026\*

Date Mailed: 08/30/2006

## NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- No response to Missing Requirement Letter

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

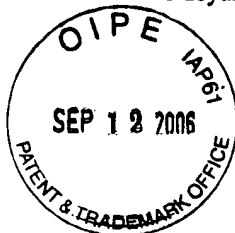


## UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/565,497	Naoyuki Yamamoto	04703/0203784-USO

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INTERNATIONAL APPLICATION NO.	
PCT/JP04/10928	
I.A. FILING DATE	PRIORITY DATE
07/30/2004	08/01/2003

CONFIRMATION NO. 7321  
 371 FORMALITIES LETTER  
 \*OC000000018010377\*

Date Mailed: 02/16/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/20/2006
- Copy of the International Search Report filed on 01/20/2006
- Preliminary Amendments filed on 01/20/2006
- Information Disclosure Statements filed on 01/20/2006
- Biochemical Sequence Diskette filed on 01/20/2006
- Biochemical Sequence Listing filed on 01/20/2006
- U.S. Basic National Fees filed on 01/20/2006
- Priority Documents filed on 01/20/2006
- Specification filed on 01/20/2006
- Claims filed on 01/20/2006
- Abstracts filed on 01/20/2006
- Drawings filed on 01/20/2006
- Paper nucleotide sequence listings filed on 01/20/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions

of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

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PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/565,497	PCT/JP04/10928	04703/0203784-US0